

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 07-0298

**ELECTRONICALLY FILED**

v.

DAVID CUNNINGHAM,

Defendant.

**Order of Court**

AND NOW, this 23<sup>rd</sup> March, 2010, upon consideration of the foregoing Motion in Limine Concerning Pornographic Images and File Names (doc. no. 99), and government's response thereto (doc. no. 101), it is hereby ORDERED that said motion is DENIED. The parties may (but are not required to) use representative samples of the Child Pornography instead of the entire "collections," as well as the file names of the various files in the "collection". (See doc. no. 101). Additionally, the parties may (but are not required to) stipulate that the child pornography evidence constitutes child pornography for purposes of the Indictment.

Finally, the parties shall meet in an attempt to stipulate to a Joint Cautionary Jury Instruction similar to that set forth in the government's response (see doc. no. 101 at 7-8). Said instruction shall be jointly filed by March 25, 2010, or if no agreement is reached, separate instructions may be filed by March 25, 2010.

SO ORDERED this 23rd day of March, 2010.

s/Arthur J. Schwab

Arthur J. Schwab

United States District Judge

cc: All Registered ECF Counsel and Parties